

REMARKS

The Examiner has rejected the claims at issue for the reasons of record and requests restriction for five species that include claims drawn to repetitive behavior (claims 20 and 29), deficits in social awareness (claims 21 and 30), deficits in cognitive skills (claims 22 and 31), need to know disorders (claims 3 and 10) and self-injurious behaviors (claims 3 and 10). The Examiner has then restricted each Group to a single behavior. Applicant hereby provisionally elects Group 2 claims directed to deficits in social awareness and further provisionally elects Social Anxiety Disorder. The claims readable on this provisional election include claims 21 and 30. Such election has been made with traverse and without prejudice or disclaimer of Applicant's right to traverse similar restrictions in future applications. Both claims 21 and 30 have been amended to reflect this provisional election with such amendment being made without prejudice or disclaimer of the subject matter thereof.

The provisional election of the Group 2 claims should not be construed as an abandonment of the invention of the non-elected claims of Groups 1 and 3-5. Applicant expressly reserves the right to file one or more divisional applications drawn to such non-elected Groups and additional behaviors associated with social deficits.

Applicants respectfully assert that as a whole, the restriction requirement parsing out five Groups is improper. Applicant contends the Examiner has not made a proper rejection for a lack of unity as there is no explanation as to why each group lacks unity with other groups (i.e. why there is not a single general inventive concept). The Examiner also does not specifically describe the unique special technical feature in each group. Applicant respectfully asserts that a single general inventive concept exists in all five groups as all behaviors listed are all behavioral characteristics associated with autism. The Examiner appears to agree with Applicant's position as he states, "[o]xytocin is used for treating various behavioral characteristics associated with autism..." (Office Action p. 2, line 9).

As the Examiner doesn't provide an explanation as to why each group lacks unity with all other groups or explain the unique special technical feature of each of the five groups and also appears to agree with Applicant's position that all behaviors listed in Group 1-5 are "associated with autism," the rejection appears to be improper.

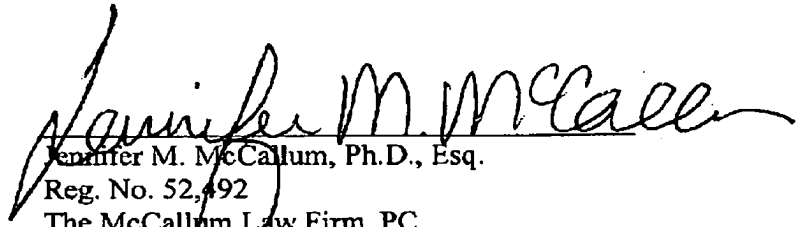
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Concluding Remarks

In view of the foregoing remarks, Applicant respectfully requests reconsideration and examination as to the merits of the application. If the Examiner notes any further matters which would be expedited by a telephonic interview, she is requested to contact Dr. Jennifer M. McCallum at the telephone number listed below.

Respectfully Submitted,

2-5-09
Date


Jennifer M. McCallum, Ph.D., Esq.
Reg. No. 52,492
The McCallum Law Firm, PC
685 Briggs Street
P.O. Box 929
Erie, CO 80516
Telephone: (303) 828-0655
Fax: (303) 828-2938
e-mail: administration@mccallumlaw.net